

State Of Punjab vs Bittu & Anr. Etc.Etc, 2015

Supreme Court,

16 December, 2015

Bench: Pinaki Chandra Ghose, R.K. Agrawal

Issues: State of Punjab filed appeals by special leave have been directed against the judgment of Punjab And Haryana High Court, who acquitted respondents from offences punishable under Section 302, 364, 201, 120B under IPC.

Legislature Cited: The Indian Penal Code

Fact of the case

On 9.10.2002, complainant Gurdip Singh filed a FIR against Bittu, Neetu, Tony, Jagdeep and Jaswant Singh for killing Ashok Kumar in district of Malerkotla. Proceeding night Gurdeep Singh was performing his duty at the Dera Kar Sewa when he saw Bittu, Neetu, Tony, Jagdeep and Ashok Kumar coming towards him. Meanwhile Harkesh Kumar(witness) joined Gurdeep. Both of them saw Bittu, Neetu, Tony and Jagdeep Ashok Kumar being choked and stripped on the ground and later they kept a stone on his chest and filled his mouth with sand. Then accused Jaswant Singh came in his Maruti car and other accused, took the deceased with them and told Gurdeep and Harkesh that they are taking Ashok to hospital and if any of them informed the police they would see dreadful consequences.

A case was filed in the court of Additional Chief Judicial Magistrate, Sangrur, on 2.1.2003. The trial court after hearing the statements of other witnesses and reading the medical report, convicted all the accused on the charges under Sections 120-B, 364, 302 and 201 of the Indian Penal Code.

The accused persons challenged the decision of trial court in Punjab & Haryana High Court with Criminal Appeal Nos. D-341, D-407, D-607 and D-341 of 2004. The hon'ble court then acquitted the accused person on the account that the prosecution failed to prove the chain of circumstances enough to connect all the accused with the alleged offence and, consequently the respondents were set at liberty. Also the medical report refused to show results in favour of the State of Punjab.

Later appeal was filed in Supreme Court by the State of Punjab under the CRIMINAL APPEAL NOS. 548-551 OF 2013. Where the Apex Court quoted the decision of Punjab and Haryana HC that during the hearing all the eyewitnesses failed to support the prosecution case as they turned hostile during the trial. And those who were left behind had personal relations with the deceased and their statements were not aligned with the story of prosecution.

Even the medical report of the deceased said that the dead body had internal injuries but there was no sign of soil inside the mouth of Ashok Kumar. Hence the statement of Gurdeep Singh was not accurate. Therefore, prosecution lacked the evidence to convict the accused.

Judgment: SC found no grounds to interfere with the judgment passed by the High Court. The appeal of the State of Punjab was dismissed.

